

STILED

MAY 02 2023

*Matthew C. Kurtenbach*

UNITED STATES DISTRICT COURT  
DISTRICT OF SOUTH DAKOTA  
NORTHERN DIVISION

MATTHEW C. KURTENBACH,

Plaintiff,

vs.

CODINGTON COUNTY, a political subdivision of the State of South Dakota; REBECCA MORLOCK-REEVES, Codington County States Attorney in her individual and official capacity; REBECCA JUND, Assistant Codington County States Attorney in her individual and official capacity; and BRAD HOWELL, Codington County Sheriff in his individual and official capacity;

Defendants.

1:21-CV-01009-CBK

ORDER

Plaintiff filed a complaint under 42 U.S.C. § 1983 seeking declaratory and injunctive relief arising out of the violation of his Sixth Amendment right to a speedy trial in his state court criminal cases. Defendants Codington County, Morlock-Reeves, and Howell filed an answer. Another defendant, Circuit Court Judge Carmen Means, was dismissed by the Court on motion of the defendant and with the consent of the plaintiff.

Plaintiff filed a motion for default judgment against defendant Jund and the Clerk of Courts entered a default. On May 27, 2022, I set aside the default and ordered the U.S. Marshals Service to personally serve Jund, Doc. 50. That order was mailed to plaintiff but was returned as undeliverable. On June 30, 2022, plaintiff filed a notice of change of address and the order was mailed to plaintiff at the new address. It was returned as undeliverable.

Plaintiff has failed to update the Court and opposing counsel with current contact information for over nine months. His failure to do so has interfered with the timely administration of this case.

This Court has inherent authority to *sua sponte* dismiss an action for failure to prosecute. Link v. Wabash R. Co., 370 U.S. 626, 630-31, 82 S. Ct. 1386, 1389, 8 L. Ed. 2d 734 (1962). *Accord, Sterling v. United States*, 985 F.2d 411, 412 (8th Cir. 1993) (the district court may dismiss a case *sua sponte* for failure to prosecute as part of its inherent case-management powers). Good cause appearing,

IT IS ORDERED that this case is dismissed for failure to prosecute without prejudice and without costs.

DATED this 27<sup>th</sup> day of April, 2023.

BY THE COURT:

  
CHARLES B. KORNMANN  
United States District Judge